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CBS libel trial enters third week

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After a weekend break for the jury to digest four days of anxious and sometimes conflicting remarks, Gen. William C. Westmoreland's \$120 million libel action against the CBS television network enters its third week of testimony at 10 a.m. today in a New York District Court.

The trial recessed Thursday after an intelligence officer who served under the general in Vietnam testified that Viet Cong irregulars were not a military threat — contradicting what he had sworn earlier in a deposition.

Gen. Westmoreland is suing the network over a 1982 documentary, "The Uncounted Enemy: A Vietnam Deception," which he claims falsely accused him of purposely keeping estimates of enemy troop strength below a "ceiling" of 300,000 so President Lyndon Johnson, the Joint Chiefs of Staff and the general public would believe the war was winnable.

Maj. Gen. George Godding, a retired director of intelligence production, testified Thursday that he had Gen. Westmoreland's "blessing" to present the CIA with documents estimating the number of enemy troops at 297,000 in a key National Intelligence Estimate meeting at Langley, Va., in August 1967. At the time, the CIA was saying there were 500,000 enemy troops.

The Saigon command removed from those estimates (known as the Order of Battle) 80,000 to as many as 200,000 Self Defense (SD) and Secret Self Defense (SSD) forces — the so-called "home guard" described in previous testimony as "older men, women and children ... people who stayed around their villages" and were not regarded as

a strategic military threat.

But Gen. Godding had said these irregular forces were considered a military threat in a deposition he gave in April, defense attorney David Boies pointed out. "It's 17 years ago and I made a mistake," Gen. Godding said, adding his memory was refreshed when he was shown documents.

In the deposition, Gen. Godding also said he was not aware of studies showing a significantly larger enemy force of guerrilla and self-defense troops when he went to the CIA meeting at Langley. CBS contends Gen. Westmoreland suppressed these studies.

Earlier in the week, CBS attorneys produced a communique from Gen. Phillip Davidson, Gen. Westmoreland's intelligence chief, to Gen. Godding, then a colonel, that ordered intelligence officers to exclude irregular forces in estimates of enemy troop strength. Gen. Davidson's cable was sent from Saigon while Gen. Godding was attending the CIA meeting.

"Further consideration reveals the total unacceptability of including the strength of the Self Defense (SD) and Secret Self Defense (SSD) in any strength figure to be released to the press," the cable said.

After the meeting, Gen. Godding sent a cable to Gen. Davidson in which he said Gen. Earle Wheeler, chairman of the Joint Chiefs of Staff, agreed that "self-defense" forces should be kept out of the estimates but that the Pentagon would accept "somewhat higher figures" of enemy strength "if pushed by the CIA."

Gen. Davidson last week testified that Gen. Westmoreland never told him to fake enemy estimates before the 1968 Tet offensive and said he would have refused such an order.